

SCHEDULE 1

Regulation 3

Amendments to Schedule 1 to the 2019 Regulations

1. Schedule 1 to the 2019 Regulations is amended as follows.
2. In the heading after “Regulation” insert “— Great Britain”.
3. For paragraph 1 substitute—
 - “1. The 2011 Regulation is amended in accordance with paragraphs 2 to 69 of this Schedule in respect of construction products made available or placed on the market in Great Britain.”
4. For paragraph 2 substitute—
 - “2. In Article 1 (subject matter), for “use of CE marking” substitute “use of UK marking, and in certain cases CE marking or CE marking accompanied by the UK(NI) indication.”
5. In paragraph 3—
 - (a) in sub-paragraph (9), for “United Kingdom market” substitute “market of Great Britain”;
 - (b) in sub-paragraph (10), after inserted paragraph 17C insert—
 - “17CA. ‘CE marking accompanied by the UK(NI) indication’ means CE marking (as defined above) accompanied by the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020.”;
 - (c) for sub-paragraph (11) substitute—
 - “(11) For paragraph 21, substitute—
 - “21. ‘importer’ means any natural or legal person who—
 - (a) is established within the United Kingdom and places a construction product from a country outside of the United Kingdom on the market; or
 - (b) is established in Northern Ireland and places a construction product on the market that has been supplied to them for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge, from an EEA state.”
6. In paragraph 7(2) and (3) after “the United Kingdom” insert “in respect of Great Britain”.
7. In paragraph 10, in paragraph 5 of substituted Article 8—
 - (a) after “CE marking” insert “(or CE marking accompanied by the UK(NI) indication)”;
 - (b) for “the United Kingdom” substitute “Great Britain”.
8. For paragraph 15(2) substitute—
 - “(2) In paragraph 1, for “Union market” substitute “market of Great Britain”.
9. In paragraph 17—
 - (a) in inserted Article 16A—
 - (i) in paragraph 1(b)(vi), after “Regulation” insert “or, in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, a CE marking accompanied by the UK(NI) indication in accordance with Articles 8 and 9 of the EU Construction Products Regulation”;
 - (ii) in paragraph 2(b), in the substituted Article 8(3), after “CE marking”, in both places, insert “or CE marking accompanied by the UK(NI) indication”;

Status: This is the original version (as it was originally made).

- (iii) in paragraph 3(c) at the end insert “or, as the case may be, CE marking accompanied by the UK(NI) indication”;
 - (b) in paragraph 1(b) of inserted Article 16B, for paragraph (iii) substitute—
 - “(iii) ensures that the product bears the CE marking, or in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, the CE marking accompanied by the UK(NI) indication;
 - (iv) ensures that the product is accompanied by the ‘required documents’ referred to in Article 13(2) of the EU Construction Products Regulation.”;
 - (c) in paragraph 1(b)(ii) of inserted Article 16C, for paragraph (aa) substitute—
 - “(aa) the product bears the CE marking, or in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, the CE marking accompanied by the UK(NI) indication;”.
- 10.** In paragraph 28, in paragraphs 3 and 7 of inserted Article 27, for “the United Kingdom” substitute “Great Britain”.
- 11.** In paragraph 61, in paragraph 1 of inserted Article 59A, for sub-paragraphs (a) and (b) substitute—
- “(a) the CE marking, or in the case of a product to which regulation 4(2)(b) of the Construction Products (Amendment etc.) (EU Exit) Regulations 2020 applies, the CE marking accompanied by the UK(NI) indication, has not been affixed in accordance with Article 8(2) of the EU Construction Products Regulation;
 - (b) the CE marking, or in the case of a product to which that regulation 4(2)(b) applies, the CE marking accompanied by the UK(NI) indication, has been affixed in breach of Article 8 or 9 of the EU Construction Products Regulation;”.
- 12.** In paragraph 66, in paragraph 8 of the inserted Annex 2—
- (a) in both places, for “15 working days” substitute “21 days”; and
 - (b) omit the definition of “working day”.
- 13.** In paragraph 67, in sub-paragraphs (4) and (5), after “the United Kingdom” insert “in respect of Great Britain”.
- 14.** In paragraph 68, for paragraph (a) substitute—
- “(a) in point b, for “the Member States where it is designated” substitute “Great Britain”;”.
- 15.** In paragraph 71—
- (a) in sub-paragraph (1), for “the United Kingdom”, in the first place it occurs, substitute “Great Britain”;
 - (b) in sub-paragraph (3)(a), after “the United Kingdom”, in both places, insert “in respect of Great Britain”.
- 16.** In paragraph 75—
- (a) after sub-paragraph (b) insert—
 - “(c) the manufacturer intends to place the product on the market of Great Britain;”;
 - (b) in the words after the sub-paragraphs—
 - (i) for “those actions” substitute “the actions in sub-paragraph (b)”; and

(ii) after “the United Kingdom” insert “in respect of Great Britain”.

17. In the following provisions of Schedule 1, for “exit day” substitute “IP completion day”—

- (a) paragraph 3(2) in the inserted paragraph 9A;
- (b) paragraph 3(7) in the inserted paragraph 13F, in each place;
- (c) paragraph 3(12) in the inserted paragraphs 22 and 22B, in each place it occurs;
- (d) paragraph 19 in the inserted Article 18B, in each place it occurs;
- (e) paragraph 30 in the inserted Article 29;
- (f) paragraph 40 in the inserted Article 39A, in each place it occurs;
- (g) paragraph 70(1) and (2), in each place it occurs;
- (h) paragraph 71(1) and (3), in each place it occurs;
- (i) paragraph 72(1) and (2);
- (j) paragraph 73(1) in both places;
- (k) paragraph 74(1) and (2), in each place it occurs;
- (l) paragraph 75 in both places;
- (m) paragraph 76 in both places;
- (n) paragraph 77, in the definitions of “construction product”, “manufacturer”, “notified body”, “pre-exit period” and “UK notified body”.